

# Senate Study Bill 1017

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL BY  
CHAIRPERSON GASKILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to formatting standards for recording documents  
2 or instruments by a county recorder, specifying a recording  
3 fee for certain documents or instruments, and providing an  
4 effective date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1768SC 80  
7 sc/sh/8

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1 1 Section 1. NEW SECTION. 331.601A DEFINITIONS.  
1 2 As used in this part, unless the context otherwise  
1 3 requires:  
1 4 1. "Document" or "instrument" means a writing or drawing  
1 5 presented to the recorder for recording, consisting of one or  
1 6 more pages of text and attachments.  
1 7 2. "File or submit" means the act of delivering a document  
1 8 or instrument to a recording office for recording into the  
1 9 public records.  
1 10 3. "Grantor and grantee" means the names of the transferor  
1 11 and transferee in the transaction used to create the recording  
1 12 index.  
1 13 4. "Legible" means capable of being read or deciphered  
1 14 without magnification regardless of the recording process.  
1 15 5. "Page" means a writing, printing, or drawing, other  
1 16 than a plat or survey, occurring on one side only and covering  
1 17 all or part of such side, and not larger than eight and one-  
1 18 half inches in width and fourteen inches in length.  
1 19 6. "Record" means a process whether by manual, mechanical,  
1 20 electronic, optical, magnetic, microfilm, or other methods of  
1 21 storage, after filing or submission, to incorporate a document  
1 22 or instrument into the public record.  
1 23 7. "Transaction" means a specific legal action in the form  
1 24 of or evidenced by one of the following:  
1 25 a. A title or caption including, but not limited to, a  
1 26 deed, deed of trust, mortgage, or power of attorney.  
1 27 b. A subsequent reference to an original document or  
1 28 instrument including, but not limited to, an assignment or  
1 29 release or satisfaction of mortgage.  
1 30 Sec. 2. Section 331.602, subsection 1, Code 2003, is  
1 31 amended by striking the subsection and inserting in lieu  
1 32 thereof the following:  
1 33 1. Record all documents or instruments presented to the  
1 34 recorder's office for recordation upon payment of the proper  
1 35 fees and compliance with other recording requirements as  
2 1 provided by law.  
2 2 Sec. 3. NEW SECTION. 331.606B DOCUMENT OR DOCUMENT  
2 3 FORMATTING STANDARDS.  
2 4 1. The county recorder may refuse any document or  
2 5 instrument presented for recording that does not meet the  
2 6 following requirements:  
2 7 a. Each document or instrument shall consist of one or  
2 8 more individual pages not permanently bound or in a continuous  
2 9 form. The document or instrument shall not have any  
2 10 attachment stapled or otherwise affixed to any page except as  
2 11 necessary to comply with statutory requirements. However, the  
2 12 individual pages of a document or instrument may be stapled  
2 13 together for presentation for recording. A label that is  
2 14 firmly attached with a code bar or return address may be  
2 15 accepted for recording.  
2 16 b. All preprinted text shall be at least eight point in  
2 17 size and no more than twenty characters and spaces per inch.  
2 18 All other text typed or computer generated, including but not  
2 19 limited to all names of parties to an agreement, shall be at  
2 20 least ten point in size and no more than sixteen characters

2 21 and spaces per inch. If a document or instrument other than a  
2 22 plat or survey, presented for recording contains type smaller  
2 23 than eight point type for the preprinted text and ten point  
2 24 type for all other text, the document or instrument shall be  
2 25 accompanied by an exact typewritten or printed copy that meets  
2 26 the requirements of this section.

2 27 c. Each document shall be of sufficient legibility to  
2 28 produce a clear reproduction. If a document or instrument,  
2 29 other than a plat or survey, is not sufficiently legible to  
2 30 produce a clear reproduction, the document or instrument shall  
2 31 be accompanied by an exact typewritten or printed copy that  
2 32 meets the type size requirements of paragraph "b" and shall be  
2 33 recorded contemporaneously as additional pages of the document  
2 34 or instrument.

2 35 d. Each document or instrument, other than a plat or  
3 1 survey, shall be on white paper of not less than twenty-pound  
3 2 weight without watermarks or other visible inclusions. All  
3 3 text within the document or instrument shall be of sufficient  
3 4 color and clarity to ensure that the text is readable when  
3 5 reproduced from the record.

3 6 e. All signatures on a document or instrument shall be in  
3 7 black or dark blue ink and of sufficient color and clarity to  
3 8 ensure that the signatures are readable when the document or  
3 9 instrument is reproduced from the record. The corresponding  
3 10 name shall be typed, printed, or stamped beneath the  
3 11 signature. The typing or printing of a name or the  
3 12 application of an embossed or inked stamp shall not cover or  
3 13 otherwise materially interfere with any part of the document  
3 14 or instrument except where provided by law.

3 15 f. The first page of each document or instrument shall  
3 16 have a top margin of at least three inches of vertical space  
3 17 from left to right which shall be reserved for the recorder's  
3 18 use. All other margins on the document or instrument shall be  
3 19 a minimum of three-fourths of one inch. Nonessential  
3 20 information including but not limited to form numbers, page  
3 21 numbers, or customer notations may be placed in a margin  
3 22 except the top margin. The recorder shall not incur any  
3 23 liability for not showing a seal or information that extends  
3 24 beyond the margin of the permanent archival record.

3 25 2. Each document or instrument, other than a plat or  
3 26 survey, that is presented for recording and that contains any  
3 27 of the following information shall have that information on  
3 28 the first page below the three-inch margin:

3 29 a. The name, address, and telephone number of the  
3 30 individual who prepared the document.

3 31 b. The name of the taxpayer and a complete mailing address  
3 32 for any document or instrument of conveyance.

3 33 c. A return address.

3 34 d. The title of the document or instrument.

3 35 e. All grantors' names.

4 1 f. All grantees' names.

4 2 g. Any address required by statute.

4 3 h. The legal description of the property and parcel  
4 4 identification number, if required.

4 5 i. A document or instrument number for statutory  
4 6 requirements, if applicable.

4 7 3. If insufficient space exists on the first page for all  
4 8 of the information described in subsection 2, the page  
4 9 reference of the document or instrument where the information  
4 10 is located shall be noted on the first page.

4 11 4. The recorder may record the following documents or  
4 12 instruments which are exempt from the format requirements of  
4 13 this section:

4 14 a. A document or instrument that was signed before July 1,  
4 15 2004.

4 16 b. A military separation document or instrument.

4 17 c. A document or instrument executed outside the United  
4 18 States.

4 19 d. A certified copy of a document or instrument issued by  
4 20 a governmental agency, including a vital record.

4 21 e. A document or instrument where one of the original  
4 22 parties is deceased or otherwise incapacitated.

4 23 f. A document or instrument formatted to meet court  
4 24 requirements.

4 25 g. A federal tax lien.

4 26 h. A filing under the uniform commercial code, chapter  
4 27 554.

4 28 5. A document or instrument rejected for recording by a  
4 29 recorder shall be returned to the preparer or presenter  
4 30 accompanied by an explanation of the reason for rejection.

4 31 6. On and after July 1, 2004, a document or instrument

4 32 that does not conform to the format standards specified in  
4 33 subsections 1 through 3 shall not be recorded except upon  
4 34 payment of an additional recording fee of ten dollars per  
4 35 document or instrument. The requirement applies only to  
5 1 documents or instruments dated on or after July 1, 2004, and  
5 2 does not apply to those documents or instruments specifically  
5 3 exempted in subsection 4.  
5 4 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1,  
5 5 2004.

#### 5 6 EXPLANATION

5 7 This bill specifies formatting standards for documents or  
5 8 instruments that are presented for recording by the county  
5 9 recorder. Each document or instrument, except a survey and  
5 10 plat, is to be presented for recording with writing, printing,  
5 11 or drawing only on one side of the page, each page is to be no  
5 12 larger than eight and one-half inches in width and 14 inches  
5 13 in length, and each page is to be of white paper of not less  
5 14 than 20-pound weight without watermarks. All preprinted text  
5 15 is to be at least eight point in size and no more than 20  
5 16 characters and spaces per inch. All other text typed or  
5 17 computer generated, including all names of parties to an  
5 18 agreement, shall be at least 10 point in size and no more than  
5 19 16 characters and spaces per inch. If a document or  
5 20 instrument is presented for recording with preprinted text  
5 21 smaller than eight point and 10 point type for all other text,  
5 22 the document or instrument shall be accompanied by an exact  
5 23 typewritten or printed copy that meets type size requirements.  
5 24 All signatures on a document or instrument shall be in black  
5 25 or dark blue ink and of sufficient color and clarity to ensure  
5 26 that the signatures are readable when the document or  
5 27 instrument is reproduced. Each document or instrument shall  
5 28 have a top margin of at least three inches of vertical space  
5 29 from left to right, which shall be reserved for the recorder's  
5 30 use. All other margins shall be a minimum of three-fourths of  
5 31 one inch.

5 32 Each document or instrument containing any of the following  
5 33 information shall have that information on the first page of  
5 34 the document or instrument below the three-inch margin: the  
5 35 name, address, and telephone number of the preparer, the name  
6 1 and complete address of a taxpayer of any document or  
6 2 instrument of conveyance, a return address, the title of a  
6 3 document or instrument, all grantors' or grantees' names, an  
6 4 address required by statute, the legal description of the  
6 5 property and parcel identification number, or a document or  
6 6 instrument number for statutory requirements. If there is  
6 7 insufficient space on the first page for all of the above  
6 8 information, the page reference of the document or instrument  
6 9 where the information is located shall be noted on the first  
6 10 page.

6 11 The following documents or instruments are exempt from the  
6 12 formatting requirements: a document or instrument which is  
6 13 signed before July 1, 2004; a military separation document or  
6 14 instrument; a document or instrument executed outside the  
6 15 United States; a certified copy of a vital record issued by a  
6 16 governmental agency; a document or instrument where one of the  
6 17 original parties is deceased or otherwise incapacitated; a  
6 18 document or instrument formatted to meet court requirements; a  
6 19 federal tax lien; or a filing under the uniform commercial  
6 20 code.

6 21 A document or instrument rejected for recording by the  
6 22 county recorder shall be returned to the preparer or presenter  
6 23 with an explanation of the reason for rejection.

6 24 On or after July 1, 2004, a document or instrument that  
6 25 does not conform to the format standards shall not be recorded  
6 26 except upon payment of an additional recording fee of \$10 per  
6 27 document or instrument. The additional recording fee applies  
6 28 only to documents or instruments dated on or after July 1,  
6 29 2004, and does not apply to exempt documents or instruments.

6 30 The bill takes effect July 1, 2004.

6 31 LSB 1768SC 80

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